

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:06CV30

MICHAEL A. and MARGE IANNUCCI,)

Plaintiffs,)

Vs.)

ORDER OF DISMISSAL

ALSTATE PROCESS SERVICE, INC.;)

STEVEN J. BAUM, P.C.; and)

DEUTCHE BANK NATIONAL TRUST)

CO. OF CALIFORNIA,)

Defendants.)

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed September 1, 2006.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On September 1, 2006, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and

conclusions of law in support of a recommendation regarding the Defendants' motions to dismiss. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on September 18, 2006. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the respective Defendants' motions to dismiss be **ALLOWED**.

IT IS, THEREFORE, ORDERED that the motion of Defendants Steve J. Baum, P.C., and Deutsche Bank Trust Company America to dismiss is hereby **ALLOWED**.

IT IS FURTHER ORDERED that the motion of Defendant Alstate Process Service, Inc., to dismiss is **ALLOWED**, and

IT IS FURTHER ORDERED that this action is hereby **DISMISSED** in its entirety.

Signed: September 26, 2006

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

